

A2
end

traversals from an advertising page to a product page or based on the count of purchases resulting from a path including the advertisement. In this embodiment, the server can gauge the effectiveness of advertising by measuring the number of sales that resulted from a particular page, link, or path of links. The system can be configured to charge the merchant for an advertising page based on the number of sales that resulted from that page.

Amendments to the specification are indicated in the attached "Marked Up Version of Amendments" (page i).

REMARKS

Claims 1-5 are pending in the Application. All claims have been rejected.

The invention is a non-obvious mechanism for charging for advertising, or measuring the effectiveness of advertising, on the Web, by first determining link traversals from an advertisement leading to a page and then charging the advertiser based on the traversals. Alternatively, the effectiveness of the advertisement can be measured by counting the number of such traversals.

Claim Rejections - 35 U.S.C. §112

Claims 1, 4 and 5 have been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to which they pertain, or with which they are most nearly connected, to make and/or use the invention.

Applicants disagree. Applicants believe that the specification passage cited by the Examiner, i.e., page 14, line 24 - page 15, line 6, is sufficient to enable one skilled in the art to practice the invention. That passage is repeated below:

In another embodiment, the access history is evaluated to determine traversed links leading to a purchase of a product made within commercial pages. This information may be used, for example, to charge for advertising based on the number of link traversals from an advertising page to a product page or based on

the count of purchases resulting from a path including the advertisement. In this embodiment, the server can gauge the effectiveness of advertising by measuring the number of sales that resulted from a particular page, link, or path of links. The system can be configured to charge the merchant for an advertising page based on the number of sales that resulted from that page.

Specification as filed, page 14, line 24 - page 15, line 6.

Applicants believe that the above passage is in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention as recited in Claims 1, 4 and 5, as required by 37 C.F.R. 1.71(a).

Though the recited combinations are non-obvious, once the basic concept is disclosed, programming is itself simple. For example, counting sales or transactions could be implemented by any programmer of even limited skill. One need only charge for advertising based on the number of sales or transactions resulting from link traversals from the advertisement to the page information which is available to the page server. Determining the number of sales or transactions can be accomplished simply by counting sales or transactions. Applicants do not believe it is necessary to describe in detail how to perform these counting functions. In fact, the invention is elegant in its simplicity.

Of course, this is not to say that the invention as a whole is obvious. Although the implementation may be obvious once the claimed combination is taught, Applicants believe that the combinations recited in Claims 1, 4 and 5 are novel and non-obvious combinations which enhance the World Wide Web by allowing a provider of a Web service to charge an advertiser, or measure the effect of an advertisement, based on link traversals to the advertised page.

For the reasons thus stated, Applicants believe that Claims 1, 4 and 5 meet the requirements of 35 U.S.C. 112, first paragraph, and respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-5 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,710,884 ("Dedrick").

With respect to Claim 1, the Examiner equates "determining link traversals leading to a page," Claim 1, with "determining the paths, i.e. link traversals, taken, col. 15, lines 6-9," Office

Action, page 4, paragraph 8. Applicants can find no such statement within the cited reference. Furthermore, while there is language related to “paths taken” at column 17, lines 22-23, this appears to refer to “paths to external databases,” Dedrick, column 17, lines 8-10, and does not teach or suggest “link traversals leading to a page” or determining such link traversals, as recited in Claim 1.

Further, the Examiner asserts that Dedrick discloses “crediting the consumer for viewing information.” Office Action, page 4, section 8.

Applicants’ invention, however, as recited in Claim 1 goes to charging for advertising, which is distinct from crediting a consumer for viewing information. Crediting or charging a consumer for viewing information, or for any service, is quite different from charging for advertising for the service. Furthermore, according to Claim 1, charging an advertiser is based on link traversals, i.e., actual links traversed that lead to a particular page. The point is to charge the advertiser for placement of the advertisement on the page with the link. Charging a consumer would be for the end product, the final page, not for the links to that page. There would be no reason to charge a consumer based on such traversed links.

Thus, Applicants assert that Dedrick does not teach or suggest “determining link traversals leading to a page; and charging for advertising based on link traversals to the page,” as recited in Claim 1, and respectfully ask that Claim 1 be allowed. Dependent Claims 2 and 3 should follow.

With respect to Claims 4 and 5, the Examiner equates “evaluating the effectiveness of advertising on the Web,” as recited in both Claims 4 and 5, with “crediting consumers for viewing advertising.”

In rejecting both claims, the Examiner has cited three passages within Dedrick: 1) col. 9, lines 58-65; col. 11, lines 36-41; and col. 12, lines 2-6. We now address these three passages individually.

1) Dedrick, col. 9, lines 58-65: This passage discloses a “user profile database [that] contains aggregate profile data ... which is collected from the client system, along with subscriber information.” Dedrick, col. 9, lines 58-63, reference numbers omitted. This does not teach or suggest “measuring the number of sales resulting from link traversals from the

advertisement to the page,” as recited in Claim 4, or “measuring the number of transactions resulting from link traversals from the advertisement to the page,” as recited in Claim 5.

2) Dedrick, col. 11, lines 36-41: This passage discloses two fields, cost type and cost value, that are used in calculating a price to charge an end user for information provided. The example provided immediately after is for a pay-per-view cost type, in which “an end user pays an associated cost each time the user consumes a unit of information.” Dedrick, col. 11, lines 41-44. Thus, Dedrick teaches charging for use. However, there is no teaching or suggestion of “measuring the number of sales resulting from link traversals from the advertisement to the page,” as recited in Claim 4, or “measuring the number of transactions resulting from link traversals from the advertisement to the page,” as recited in Claim 5.

3) Dedrick, col. 12, lines 2-6: This passage is simply an illustrative table of cost types that might be available to a publisher. The table includes different ways in which a customer might be charged, including “Pay Per View”, “Pay Per Byte” and “Pay Per Time.” However, again, there is no teaching or suggestion of “measuring the number of sales resulting from link traversals from the advertisement to the page,” as recited in Claim 4, or “measuring the number of transactions resulting from link traversals from the advertisement to the page,” as recited in Claim 5.

Given that Dedrick does not teach or suggest the invention as recited in Claims 4 and 5, Applicants respectfully ask that Claims 4 and 5 be allowed.

Abstract and Title

The Abstract has been replaced to provide a concise statement of the claimed invention. The title has been replaced to accurately describe the claimed invention.

Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) was filed on April 19, 2001. In addition, a Second Supplemental IDS is being filed concurrently herewith. Entry of these IDSs is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims, i.e., Claims 1-5, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By *Gerald M. Bluhm*

Gerald M. Bluhm

Registration No. 44,035

Telephone (781) 861-6240

Facsimile (781) 861-9540

Lexington, Massachusetts 02421-4799

Dated: 5/11/01



MARKED UP VERSION OF AMENDMENTS

Specification Amendments Under 37 C.F.R. § 1.121(b)(1)(iii)

Replace the paragraph at page 14, line 16 through page 15, line 6 with the below paragraph marked up by way of bracketing and underlining to show the changes relative to the previous version of the paragraph:

Additionally, the server may, at any given time, track access history within a client-server session. Such a history profile informs the service provider about link traversal [transversal] frequencies and link paths followed by users. This profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (UID). Two subsequent entries, A and B, corresponding to requests from a given user in these logs represent a link traversal from document A to document B made by the user in question. This information may be used to identify the most popular links to a specific page and to suggest where to insert new links to provide more direct access. In another embodiment, the access history is evaluated to determine traversed links leading to a purchase of a product made within commercial pages. This information may be used, for example, to charge for advertising based on the number of link traversals from an advertising page to a product page or based on the count of purchases resulting from a path including the advertisement. In this embodiment, the server can gauge the effectiveness of advertising by measuring the number of sales that resulted from a particular page, link, or path of links. The system can be configured to charge the merchant for an advertising page based on the number of sales that resulted from that page.